

RESOLUTION NO. 3741

*See Res 3760
amending this*

AUTHORIZING AND DIRECTING CONDEMNATION OF
REAL PROPERTY FOR PARK AND RECREATION PURPOSES

BE IT RESOLVED by the Council of the CITY OF LODI as follows:

The Council of the CITY OF LODI finds, determines, and hereby declares:

(1) That the public interest, necessity, and convenience require the acquisition of the hereinafter described real property for the expansion of the existing Lodi Lake Park recreational area to be used for public park purposes, a use authorized by law.

(2) That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said CITY OF LODI as hereinabove set forth.

(3) That the CITY OF LODI acquire the hereinafter-described real property for public park purposes by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the CITY OF LODI any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damaged resulting from the construction and maintenance of said improvement; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to commence immediately proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for public park purposes.

(4) To acquire in the name of the CITY OF LODI, fee simple estate in and to the said hereinafter-described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

(5) The real property, or interest in real property which the CITY OF LODI is by this Resolution authorized to

acquire for said public improvement is situate in the City of Lodi, County of San Joaquin, State of California, and is particularly described as follows:

A portion of Lot 10 and the Southeast 1/4 of the Southwest 1/4 of fractional Section 35, Township 4 North, Range 6 East, Mount Diablo Base and Meridian and also being a portion of the land described in Deed to LEWIS T. MASON, recorded September 28, 1929, in Book A of Deeds, Vol. 286, page 107, San Joaquin County Records and more particularly described as follows:

A strip of land beginning at the Northeast corner of Lot 24, TRACT NO. 34 LAKE HOME SUBDIVISION NO. 2; thence run Northerly along the Easterly boundary of L. T. Mason Land to the Mokelumne River; thence downstream to a point where it intersects the Lodi City Municipal Lake Park land; thence South and Southeasterly following the boundary of Lodi City Municipal Lake Park to a point where it intersects the North line extension of Lot 24 of TRACT NO. 34, LAKE HOME SUBDIVISION NO. 2; thence Easterly along the North line of said Lot 24 to the point of beginning.

EXCEPT THEREFROM THE FOLLOWING:

Beginning at the Northeast corner of Lot 24 of LAKE HOME SUBDIVISION NO. 2 as per Map thereof filed May 27, 1940, in Vol. 11 at page 56, Book of Maps and Plats, San Joaquin County Records; thence South 89° 54' West along the North line of said LAKE HOME SUBDIVISION NO. 2, 77.1 feet to the Easterly line of the LODI Municipal Lake Park; thence North 1° 04' East along said Easterly line, 80.0 feet to a point; thence North 89° 54' East and parallel to said North line 75.9 feet to a point; thence South 0° 13' West, 80.0 feet to the point of beginning.

TOGETHER WITH a right of way for road purposes over the West 17.1 feet of the immediately hereinabove described property.

DATED: March 7, 1973.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the CITY OF LODI in regular meeting held March 7, 1973, by the following vote:

AYES: HUGHES, KATNICH, PINKERTON, and SCHAFER

NOES: NONE

ABSENT: EHRHARDT

BESSIE BENNETT
CITY CLERK